

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

**IN RE: DIGITEK
PRODUCTS LIABILITY LITIGATION**

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF RICHARD W. SCHULTE FOR PLAINTIFFS’
STEERING COMMITTEE MEMBERSHIP**

My name is Richard W. Schulte and I am a founding partner of Behnke, Martin and Schulte, L.L.C. located in Dayton, Ohio. My practice has been focused almost exclusively on civil litigation for more than a decade, and I believe that I will bring the needed experience, resources and commitment to the PSC that will allow the court to expeditiously conclude this litigation.

Currently, I am President-Elect of the Ohio Association for Justice (formerly the Ohio Academy of Trial Lawyers), and will become President in May. The Ohio Association for Justice is Ohio’s largest victims-rights advocacy association, comprised of Ohio trial attorneys dedicated to promoting the public good through efforts to secure safe products, a safe workplace, a clean and safe environment and quality health care. Being chosen by my fellow trial attorneys to serve in this capacity is not only a personal honor, but I believe also speaks to what my peers think of my capabilities as a litigator, my leadership qualities, and my ability to work cooperatively with others.

The Court should be made aware that I have extensive experience in complex civil litigation in several jurisdictions around the country. I have acted as Lead Counsel on several class action lawsuits and I have been an integral team member in large products liability cases such as the Ortho Evra Litigation, MDL 1742 and the Trasyolol Litigation, MDL 1928. Furthermore, I successfully litigated many priest abuse cases against the Catholic Church.

As part of the Ortho Evra Litigation Team, I served as the Chair of both the Bellwether Fact Witness Team and the Compensatory Damage Committee. I also Co-Chaired the Discovery Committee, and served as a Member of the Marketing Committee and the MDL Mediation Team. My firm was extensively involved in reviewing approximately one million documents as part of the Ortho Evra litigation, and I actively worked on behalf of the MDL in taking numerous depositions and helping to prepare many aspects of the case for trial.

With respect to ongoing Trasyolol litigation, I am currently a member of the Deposition Committee and I have been involved in the discovery process as well as the strategic planning for the Plaintiffs. Not only is my firm efficiently partnering in a large document review process, but I have recently concluded the marketing 30(b)(6) Deposition as well.

If selected as a member of the Plaintiffs Steering Committee, I believe that I will offer several advantages to all stakeholders involved. First, I have the time and firm capacity to assist in much of the labor-intensive discovery process. My firm is technologically savvy and experienced in the use technology in the discovery process, which will help in facilitating document review activities that will certainly be forthcoming. As my work on the

Ortho Evra litigation is currently winding down, I will be able to devote significant time to the Digitek MDL going forward.

Second, my proximity to the Court offers a logistical advantage that many other firms cannot offer. My office is located in the neighboring state of Ohio, just over three hours away from the courthouse at any time. This will make it easier for me to attend Court and meetings.

Finally, I will offer the dedication that one would expect as a significant stakeholder in this litigation. Currently I represent the Marcum family in a death case before your court, and I am in the process of screening over 80 potential Digitek cases. I conservatively estimate filing over 35 cases before all is said and done. With such a significant personal investment in this litigation, the Court can expect a commensurate level of my personal attention to the matters of this MDL as it moves forward. I am honored to be involved in such a significant litigation project and will work hard toward and fair and efficient resolution.

For the above reasons, I respectfully request that the Court appoint me as a Member of the Plaintiffs Steering Committee in the above captioned matter

Respectfully Submitted,

/s/ Richard W. Schulte, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Application has been electronically filed with the Clerk of Court this 20th day of October, 2008 by using the CM/ECF system which will send notice of electronic filing to all parties of record at the e-mail addresses on file with the Clerk of Court.

/s/ Richard W. Schulte, Esq.
Richard W. Schulte (Ohio Bar No. #0066031)